

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

Richard and AnnaMaria Cabrera

Case No.:

19-30799

Judge:

MBK

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

Date: 11/21/19

☒ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: BLH

Initial Debtor: RC

Initial Co-Debtor: AC

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 741.00 per month to the Chapter 13 Trustee, starting on December 1, 2019 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Plan payments consist of the following: mortgage lender arrears of \$35,431.41 plus \$1,250.00 attorney's fee plus \$3,719.00 to GM Financial for cramdown auto loan totaling \$40,400.41; plus trustee commission of \$4,040.04 for total of \$44,440.45/60 months = \$741.00 per month.

Part 2: Adequate Protection ☒ NONE

13 a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 1,250.00
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Select Portfolio Servicing, LLP c/o KML Law Group, P.C.	First Mortgage on Debtors' residence	\$35,431.41	0.00%	\$35,431.41	\$2,576.67

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
GM Financial	2011 Nissan Altima	\$5,192.27	\$3,450.00	NONE	\$3,450.00	2.99%	\$3,719.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☒ Not less than 0.00 percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
GM Financial	2011 Nissan Altima	\$5,447.32	\$3,450.00	\$3,450.00	\$1,997.32

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative Expenses including attorney's fees
- 3) Secured Claims
- 4) General unsecured claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/22/19.

Explain below why the plan is being modified: To include cramdown of GM Financial car loan	Explain below how the plan is being modified: Part 1(a) reflects correct monthly payment. Part 4(d) and Part 7(c) reflect cramdown of GM Financial car loan.
--	--

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 11/12/19

/s/ Richard Cabrera
Debtor



Date: 11/12/19

/s/ AnnaMaria Cabrera
Joint Debtor



Date: 11/12/19

/s/ Brian L. Hoffman
Attorney for Debtor(s)



Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Richard Cabrera
 AnnaMaria Cabrera
 Debtors

Case No. 19-30799-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 39

Date Rcvd: Nov 22, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 24, 2019.

db/jdb
 518549825 +Richard Cabrera, AnnaMaria Cabrera, 6 Maple Leaf Drive, Belford, NJ 07718-1737
 518549827 +American Express, PO Box 1270, Newark, NJ 07101-1270
 518549830 +American Express, PO Box 981537, El Paso, TX 79998-1537
 518549831 +Best Buy Credit Services, PO Box 78009, Phoenix, AZ 85062-8009
 Bureaus Investment Group Portfolio No 15, C/O Asset Recovery Solutions, LLC,
 2200 E. Devon Ave., Ste. 200, Des Plaines, IL 60018-4501
 518549832 Capital One, P.O. Box 4069, Carol Stream, IL 60197-4069
 518549838 +Chase, PO Box 15153, Wilmington, DE 19886-5153
 518549840 +Citi Cards, PO Box 9001016, Louisville, KY 40290-1016
 518549846 ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
 (address filed with court: First Savings Credit Card, 500 E. 60th St., N,
 Sioux Falls, SD 57104)
 518549845 +First National Credit Card, PO Box 2496, Omaha, NE 68103-2496
 518549847 +Full Circle Lawn Care, PO Box 123, Belford, NJ 07718-0123
 518549849 +Mid Atlantic Ophthalmology, c/o Schachter & Portnoy, LLC, 3490 U.S. Route 1,
 Princeton, NJ 08540-5920
 518549854 +Riverview Medical Center, c/o Celentano, Stadtmauer & Walentowicz, PO Box 2594,
 Clifton, NJ 07015-2594
 518571814 +Riverview Medical Center, c/o Celentano, Stadtmauer & Walentowicz,,
 1035 Route 46 East, Suite B208, P.O. Box 2594, Clifton, NJ 07015-2594
 518549856 Select Portfolio Servicing, Inc., C/O KML Law Group, P.C., Westmont, NJ 08108
 518549857 +Target Card Services, PO Box 660170, Dallas, TX 75266-0170
 518549860 U.S. Dept. of Education, PO Box 2837, Portland, OR 97208-2837

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 23 2019 01:26:21 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 23 2019 01:26:18 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 518563894 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Nov 23 2019 01:25:57
 AmeriCredit Financial Services, Inc., dba GM Financial, P O Box 183853,
 Arlington, TX 76096
 518549829 +E-mail/Text: bky@americanprofit.net Nov 23 2019 01:26:48 American Profit Recovery,
 34505 W. 12 Mile Road, Suite 333, Farmington, MI 48331-3288
 518549833 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 23 2019 01:17:08 Capital One,
 PO Box 6492, Carol Stream, IL 60197-6492
 518549835 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 23 2019 01:20:05 Capital One,
 PO Box 30285, Salt Lake City, UT 84130-0285
 518549837 +E-mail/PDF: gecsedirecoverycorp.com Nov 23 2019 01:19:59 Care Credit Synchrony Bank,
 PO Box 960061, Orlando, FL 32896-0061
 518549841 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 23 2019 01:26:05 Comenity - Pier 1 Imports,
 PO Box 659617, San Antonio, TX 78265-9617
 518549842 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 23 2019 01:26:05 Comenity - Pottery Barn,
 PO Box 659705, San Antonio, TX 78265-9705
 518549843 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 23 2019 01:26:05
 Comenity - Victoria's Secret, PO Box 659728, San Antonio, TX 78265-9728
 518549844 +E-mail/Text: mrdiscen@discover.com Nov 23 2019 01:25:34 Discover, PO Box 71084,
 Charlotte, NC 28272-1084
 518565981 E-mail/Text: mrdiscen@discover.com Nov 23 2019 01:25:34 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 518549848 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Nov 23 2019 01:25:57 GM Financial,
 P.O. Box 78143, Phoenix, AZ 85062-8143
 518549850 +E-mail/Text: bnc@nordstrom.com Nov 23 2019 01:25:48 Nordstrom, PO Box 79139,
 Phoenix, AZ 85062-9139
 518549851 E-mail/PDF: MerrickBKNotifications@Resurgent.com Nov 23 2019 01:17:11 Ollo Card Services,
 P.O. Box 660371, Dallas, TX 75266-0371
 518549852 E-mail/PDF: gecsedirecoverycorp.com Nov 23 2019 01:20:01 Paypal Credit, PO Box 960006,
 Orlando, FL 32896-0006
 518549853 +E-mail/PDF: gecsedirecoverycorp.com Nov 23 2019 01:17:04 Paypal Credit Svcs,
 PO Box 960080, Orlando, FL 32896-0080
 518549855 +E-mail/Text: bkrpt@retrievalmasters.com Nov 23 2019 01:26:17 RMCB,
 Assignee of Lab Corp of America, PO Box 1235, Elmsford, NY 10523-0935
 518550771 +E-mail/PDF: gecsedirecoverycorp.com Nov 23 2019 01:20:05 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 518549858 E-mail/Text: bankruptcytd.com Nov 23 2019 01:26:24 TD Bank, PO Box 84037,
 Columbus, GA 31908
 518580951 +E-mail/Text: bncmail@w-legal.com Nov 23 2019 01:26:32 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 518549859 +E-mail/PDF: gecsedirecoverycorp.com Nov 23 2019 01:17:04 TJX Rewards/ Sincb,
 PO Box 530949, Atlanta, GA 30353-0949

TOTAL: 22

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 39

Date Rcvd: Nov 22, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518584794* ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
(address filed with court: Americredit Financial Services, Inc., Dba GM Financial,
P.O Box 183853, Arlington, TX 76096)
518549828* +American Express, PO Box 981537, El Paso, TX 79998-1537
518549826* +American Express, PO Box 1270, Newark, NJ 07101-1270
518549834* +Capital One, PO Box 6492, Carol Stream, IL 60197-6492
518549836* +Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
518549839* +Chase, PO Box 15153, Wilmington, DE 19886-5153

TOTALS: 0, * 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 24, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 22, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Brian L. Hoffman on behalf of Debtor Richard Cabrera brian@hoffman-hoffman.net,
info@hoffman-hoffman.net;hoffmangr91280@notify.bestcase.com
Brian L. Hoffman on behalf of Joint Debtor AnnaMaria Cabrera brian@hoffman-hoffman.net,
info@hoffman-hoffman.net;hoffmangr91280@notify.bestcase.com
Kevin Gordon McDonald on behalf of Creditor U.S. Bank National Association, as successor
Trustee to LaSalle Bank National Association, as Trustee for Bear Stearns Asset Backed
Securities I Trust 2007-HE4, Asset-Backed Certificates, Series 2007- kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5